



1 M. Blankenship, in his individual capacity, as the sole Defendant  
2 and alleges that Blankenship violated Plaintiff's due process rights  
3 under the Fourteenth Amendment by preventing him from obtaining  
4 prison phone logs and recordings and presenting them at a  
5 disciplinary hearing. (Id. at 3, 5-6).<sup>1</sup>

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7 On April 19, 2016 the Court issued an order dismissing the FAC  
8 with leave to amend. (Docket Entry No. 9). The Court's order set  
9 forth the deficiencies with Plaintiff's FAC and directed Plaintiff to  
10 file a Second Amended Complaint no later than thirty days from the  
11 Court's Order or May 19, 2016. Id. at 10-11.

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13 To date, Plaintiff has failed to file a Second Amended Complaint  
14 or communicate with the Court in any way. Accordingly, Plaintiff is  
15 ORDERED TO SHOW CAUSE, in writing, no later than **Thursday, June 30,**  
16 **2016**, why this action should not be dismissed with prejudice for  
17 failure to prosecute and failure to obey a court order. This Order  
18 will be discharged upon the filing of a Second Amended Complaint that  
19 cures the deficiencies in the last pleading, or upon the filing of a  
20 declaration under penalty of perjury stating why Plaintiff is unable  
21 to file a Second Amended Complaint.

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23 **If Plaintiff no longer wishes to pursue this action, he may**  
24 **request a voluntary dismissal pursuant to Federal Rule of Civil**  
25 **Procedure 41(a). A notice of dismissal form is attached for**

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27 <sup>1</sup> For ease of reference, the Court cites the Complaint and  
28 its attached exhibits as though they form one continuously paginated  
document.

1 Plaintiff's convenience. Plaintiff is warned that a failure to  
2 timely respond to this Order will result in a recommendation that  
3 this action be dismissed with prejudice under Federal Rule of Civil  
4 Procedure 41(b) for failure to prosecute and obey court orders.

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6 IT IS SO ORDERED.

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8 Dated: June 9, 2016.

9  
10 /s/  
11 ALKA SAGAR  
12 United States Magistrate Judge  
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